

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

In the Matter of Conservation District Use	)	DLNR File No. HA-02-06
Application for	)	
	)	ORDER DENYING MAUNA KEA
UNIVERSITY OF HAWAI'I INSTITUTE	)	ANAINA HOU AND CLARENCE
FOR ASTRONOMY	)	CHING'S MOTION TO RE-OPEN
	)	EVIDENTIARY PORTION OF THE
to construct and operate six 1.8-meter	)	CONTESTED CASE HEARING;
Outrigger Telescopes (CDUP application HA-	)	CERTIFICATE OF SERVICE
3065) within the summit area of the Mauna	)	
Kea Science Reserve, District of Hāmākua,	)	
Island of Hawai'i	)	
	)	

On October 13, 2004, by email correspondence, the Department of Land and Natural Resources received (unsigned) Mauna Kea Anaina Hou And Clarence Ching's Motion To Re-Open Evidentiary Portion Of The Contested Case Hearing For The Purpose Of Entering New Evidence Into The Record Of Decision Relating To The University Of Hawaii Institute For Astronomy's Conservation District Use Permit Application.

Under Hawaii Revised Statutes section 183C-6(b), a decision on a conservation district use application must be rendered within one hundred eighty days after acceptance by the department, unless such time period is extended at the request of the applicant. If a decision is not rendered within the one hundred eighty days or the extension period, the application is automatically deemed approved.

In this case, the application for conservation district use permit was accepted in 2001. Extensions of time to process the application were approved up to November 1, 2004. No further extensions have been requested by the applicant.

Inasmuch as the Board is compelled to render a decision no later than November 1, 2004, there is insufficient time to re-open the evidentiary portion of this contested case proceeding. The motion is, therefore, DENIED.

DATED: Honolulu, Hawaii, \_\_\_\_\_, 2004.

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Peter T. Young,  
Chairperson and Presiding Officer

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Island of Hawai'i	)	
_____	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was duly served on this date on the following party by United States mail, postage prepaid:

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DATED: Honolulu, Hawai'i; \_\_\_\_\_, 2004.

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DAWN HEGGER